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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,000	06/28/2001	Jun Miura	SON-2152	6438

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WASHINGTON, DC 20036

EXAMINER

PHINNEY, JASON R

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,000

Applicant(s)

MIURA ET AL.

Examiner

Jason Phinney

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-6, 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 07 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Amendment, filed on 5/7/03, has been entered and acknowledged by the Examiner.

Election/Restrictions

2. Applicant's election with traverse of Group I in Paper No. 5 is acknowledged. Applicant states that "rejoinder is sought of claims 7 and 8 under MPEP 814.02 in that these claims are amended to conform to the allowability of at least claim 4." This is not found persuasive. In order for rejoinder to be proper the withdrawn process claims must depend from or otherwise include all the limitations of the allowable product claim (see MPEP 821.04). In the instant case the product claimed requires a magnet disposed outside of a neck characterized in that a prefocus lens is separated from the tube axis, however, neither the process claimed in Claim 7 nor in Claim 8 requires the use of this prefocus lens, therefore the process as claimed fails to include all the limitations of the allowable product claim.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 5/7/03 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,875,446 to Miyaoka in view of Applicant's Prior Art Figure 1.

Miyaoka discloses a flat cathode ray tube with an electron gun (Figure 3, A) having a main focus lens (LM) whose center coincides with a tube axis, a deflection yoke (DY) and a magnet (Figure 4, #'s 19 and 22) disposed outside of a neck (N), characterized in that a prefocus lens is separated from the tube axis (Figure 3, LB or LR).

Miyaoka fails to exemplify that the electron beam at a time of non-deflection should be irradiated on a screen inoperative portion except a frit junction portion of the tube body.

The Applicant's Prior Art Figure 1 teaches that the electron beam at a time of non-deflection should be irradiated on a screen inoperative portion except a frit junction portion of the tube body in order to produce a thinner cathode ray tube.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the cathode ray tube of Miyaoka with the electron gun and screen placement taught in Applicant's Prior Art Figure 1 in order to produce a thinner cathode ray tube.

Allowable Subject Matter

6. Claims 3-6, 9, and 10 are allowed.

7. The following is an examiner's statement of reasons for allowance:

Regarding claim 3, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 3, and specifically comprising the limitation of the means set forth in the specification for correcting the electron beam whose axis is separated so that the electron beam passes through a center of a main focus lens.

Regarding claim 4, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 4, and specifically comprising the limitation that the electron beam through hole of the second grid should be separated from the center axis.

Regarding claims 5, 9, and 10, claims 5, 9, and 10 are allowable for the reasons given in claim 4 because of their dependency status from claim 4.

Regarding claim 6, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 6, and specifically comprising the limitation that the electron beam through hole of the second grid should be inclined with respect to the center axis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

8. Applicant's arguments filed 5/7/03 have been fully considered but they are not persuasive.

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, the motivation that combining the electron gun of Miyaoka with the placement of the Prior Art Figure 1 to produce a thinner cathode ray tube comes from the figure itself and the knowledge generally available to one having ordinary skill in the art that arranging the electron gun in the manner shown in Prior Art Figure 1 would indeed produce a thinner overall CRT.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Phinney whose telephone number is (703) 305-3999. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



JP
July 14, 2003



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